Supreme Court, U.S.
FILED
NOV 2 1 2009
OFFICE OF THE CLERK

No. 09-202

In The
Supreme Court of the United States

ESTATE OF PATRICIA B. WARD,
JOSEPH M. WARD
Petitioners

vs.

TRANS UNION, LLC,
Respondent

On Petition For A Writ of Certiorari To The United States Court of Appeals For The Fourth Circuit

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

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CASES

None

STATUTES AND RULES

No statutes

Supreme Court Rule 64.2. 1

NOW COME Petitioner Estate of Patricia B. Ward and Petitioner Joseph M. Ward, pursuant to United States Supreme Court Rule 44.2 and file this Petition For Rehearing Of Order Denying Petition For Writ Of Certiorari in No. 09-202. This Petition seeks to address no issues other than an issue as to whether or not the District Court for the Eastern District of North Carolina deliberately entered some erroneous rulings in EDNC Case No. 4:04-CV-00088-DAN designed to aid Defendant Trans Union LLC in prevailing in that Action. In setting out information related to the issue of whether or not the District Court deliberately tried to ensure that Defendant Trans Union LLC prevailed in Ward v. Trans Union LLC, it will be necessary to refer to some acts, omissions and District Court rulings that have already been addressed. That is being done only because the Petitioners believe that information is necessary if the issue of whether or not the District Court deliberately sought to aid the Defendant in unjustly prevailing in Ward v. Trans Union is to be addressed. That issue has deliberately not been addressed by the Plaintiffs in Ward v. Trans Union or the Petitioners in 09-202 because of concern that doing

so might do more harm than good to the Plaintiff-Petitioners. See Lines 1-5 of FN3 on page 44 of the Writ of the Petition For Writ of Certiorari filed in No. 09-202. The Petitioners elected to come forth now because they believe that when ones back is against the wall in a legal action (as are the Petitioners' backs at this point in time), there is little to lose by pointing to possible intentional misconduct on the Part of the District Court and that doing so might even help the Plaintiff – Petitioners gain a little ground.

REASONS WHY THIS PETITION SHOULD BE ALLOWED

1. During the early stages of this Action, several surprising rulings of the District Court which the Petitioners believe to be clearly in error occurred. They had no particular pattern and did not raise any suspicions by the Plaintiffs as to intentional misconduct by the District Court.

2. On September 2, 2005, after 3 separate answers in response to Plaintiffs' First Set of Interrogatories addressed to Defendant Trans Union failed to reveal any information as to how the tax lien against the Plaintiffs had been tracked at the Pitt County, NC courthouse and after a mixed bag of responses as to who had done the tracking, the Plaintiffs filed a motion to compel discovery related to that matter. The District Court denied that motion. See DE 58 and DE 90. The denial of that motion alerted the Plaintiffs to the possibility that the District Court was deliberately trying to help the Defendant hide something related to the tracking of tax liens by or for Trans Union at the Pitt County, NC Courthouse in the early 1990's.
3. During the summer of 2006, Plaintiff Joseph M. Ward, with almost no help from anyone at Trans Union, discovered Greet America Public Record Services Vice President Lyndon Wilson, who had been involved in the

supervision of the tracking of liens for Trans Union at North Carolina Courthouses in the early 1990's. Several telephone conversations occurred between Lyndon Wilson and Joseph M. Ward that summer. Mr. Wilson was quite cooperative and informed Joseph M. Ward that nameless, numberless searches were being employed at the Pitt County, NC Courthouse in the early 1990's, making it necessary to "go way back" in the docket books to check on each lien release, which was recorded in the same docket book in which such lien had been entered and in close proximity to such lien. That made the searches for lien releases more time consuming and less accurate. Plaintiff Joseph M. Ward addressed a letter to Greet America CEO David Abright July 26, 2006, seeking to confirm what Vice President Lyndon Wilson had told him. In a letter addressed to Joseph M. Ward and dated August 1, 2006, CEO David Abright stated: "You have accurately described the

Pitt County, NC procedures on satisfied liens that were in place in the early 1990's, ----------" (See Appendix To Petition For Writ of Certiorari, Pages 54-61, which is a copy of David Abright's letter.)[1]

4. During the summer of 2007, Plaintiff Joseph M. Ward offered to pay Greet America Vice President Lyndon's travel expenses if he would travel from Texas to North Carolina to testify in the upcoming trial in Ward v Trans Union. No response was received.

5. During the summer of 2007, Plaintiff Joseph M. Ward became quite concerned regarding the possibility that his own testimony and the correspondence between Greet America CEO David Abright and him might not be

FN1: It should be noted that at the trial of Ward v. Trans Union, the Court refused to allow correspondence between David Abright and Joseph M. Ward to be admitted into the record, not even the original of David Abright's letter addressed to Joseph M. Ward bearing the original signature.

sufficient to prove that the procedure used by Trans Union subordinate associate Greet America Public Record Services in tracking liens at the Pitt County, NC Courthouse in the early 1990's were grossly inadequate.

As the trial approached, Plaintiff Joseph M. Ward learned that a de bene esse deposition of Lyndon Wilson was allowed and could be taken outside the discovery period pursuant to Rule 32.1 of the Local Rules of Civil Procedure For The Eastern District of North Carolina. He elected to proceed along that line. As expected, the Defendant's Counsel sought to squash the planned deposition. That motion was not allowed, but the Court placed a severe limitation upon the deposition by restricting Greet America Vice President Lyndon Wilson's testimony concerning tracking tax liens at the Pitt County, NC Courthouse to what he had told Joseph M. Ward during their telephone conversations instead of allowing him to testify regarding his full knowledge

regarding the tracking of tax liens at the Pitt County Courthouse in the early 1990's. Not surprisingly, at the deposition Lyndon Wilson had an extremely poor memory regarding what he had told Plaintiff Joseph M. Ward during their telephone conversations. Trans Union Counsel was full of objections. Plaintiff Joseph M. Ward was able to get very little information into the deposition record as to what Lyndon Wilson knew about how tax liens were tracked at the Pitt County Courthouse in the early 1990's. Further, the Court's redactions at the request of the Defendant's Counsel at the trial further reduced the value of Lyndon Wilson's testimony to almost zero as to proving that Greet America had employed faulty procedures in tracking liens for Trans Union at the Pitt County Courthouse in the early 1990's. See the trial proceedings transcript for August 29, 2007, Page 227 through Page 276, which contain the redacted testimony of Lyndon Wilson. To

the best of the Petitioners' knowledge, an unredacted copy of the deposition is not part of the trial transcript record in Ward v. Trans Union. The Petitioners have the sealed master copy and a full open copy containing the portions not used in testimony in hand. The Court refused to let Joseph M. Ward testify as to what Lyndon Wilson had told him on the telephone regarding the tracking of tax liens at the Pitt County Courthouse.

6. Petitioner Joseph M. Ward respectfully contends that the series of events described in Paragraphs 2 through 5 herein strongly raise an issue as to whether the District Court deliberately tried to ensure that Trans Union prevailed in Ward v. Trans Union. The concern increases when one gives consideration to the plethora of other rulings at the trial which the Petitioners believe to be clearly erroneous. Their contentions relating to them are sprinkled from Page 22

through Page 41 of Petition For Writ of Certiorari in No. 09-202.

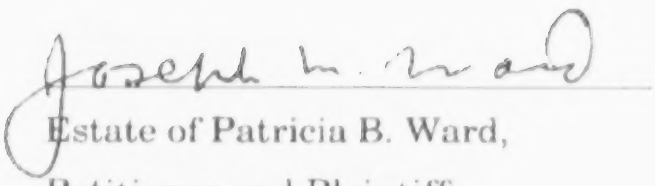
CONCLUSION

Wherefore, the Petitioners respectfully pray the Court:

a. To grant a rehearing of the Order entered in No. 09-202 denying their Petition For Writ of Certiorari seeking to have the Supreme Court review Ward v. Trans Union, EDNC No. 4:04-CV-88-DAN.

b. For such other relief as to which the Court deems the Petitioners are entitled.

Respectfully submitted, this 21st day of November, 2009.



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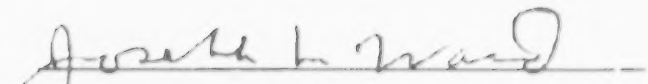

Joseph M. Ward
Petitioner and Plaintiff

CERTIFICATION THAT THIS PETITION IS LIMITED TO SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

This Petition is restricted to the issue of whether or not the District Court knowingly entered any erroneous rulings before or during the trial in Ward v. Trans Union in an effort to ensure that Trans Union LLC prevailed in that Action. That issue has never been raised before by the Plaintiffs in Ward v. Trans Union LLC or the Petitioners in Supreme Court No. 09-202. This Petition is presented in good faith and not for delay. It is restricted to the grounds set out herein.

Subscribed to under the Penalty of Perjury, this the 21st day of November, 2009.

Joseph M. Ward
Petitioner and Plaintiff
Personal Representative of
The Estate of Patricia B.
Ward, Plaintiff and
Petitioner.